

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ISAAH ANDREWS,)	CASE NO. 1:22-cv-00250-JG
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
v.)	
)	DEFENDANT CITY OF
CITY OF CLEVELAND, et al.,)	CLEVELAND’S MOTION FOR
)	SUMMARY JUDGMENT
Defendants)	

Defendant City of Cleveland respectfully moves the Court for summary judgment under FED. R. CIV. P. 56. Cleveland fully incorporates by reference the summary judgment motions contemporaneously filed by the individual police officer defendants or their estates.

As more fully stated in the officers’ summary judgment motions, Cleveland’s police officers did not violate Isaiah Andrews’ constitutional rights. No witness statements, alternative suspect information, or exculpatory evidence of any kind were manipulated or withheld from the assigned Cuyahoga County prosecutors prior to Andrews’ criminal trial, which began on or about March 3, 1975.

Independent of the above, no policy or custom of Cleveland was the moving force behind any alleged constitutional injury sustained by Andrews. Cleveland’s official policies, procedures, and police training from the 1950s, 60s and 70s, including Rules of Conduct and a Detective Manual, required detectives to include all evidence in a criminal investigation file, which was turned over to the prosecutor.

Cleveland is entitled to summary judgment on Plaintiff’s state law claims, among other reasons, because it has statutory immunity from liability under Ohio Revised Code 2744.01, et seq.

Further, FED. R. CIV. P. 25(a)(1) mandates dismissal because a representative or successor of Isaiah Andrews did not file a motion to be substituted as the proper party plaintiff within 90 days after the notice of suggestion of death.

The reasons for this Motion are more fully articulated in the Memorandum in Support, attached hereto as Exhibit A, which is incorporated by reference.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On March 6, 2023, the foregoing was filed via the Court's ECF system and is available to all parties of record; a courtesy copy was emailed to counsel of record.

By: s/ Timothy J. Puin
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